

U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:18-cv-03065-MEH

Rocky Mountain Wild, Inc. v. United States Forest Service et al
Assigned to: Magistrate Judge Michael E. Hegarty
Cause: 05:552 Freedom of Information Act

Date Filed: 11/29/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act of 1974
Jurisdiction: U.S. Government Defendant

Plaintiff

Rocky Mountain Wild, Inc.
a Colorado non-profit corporation

represented by **Travis Earl Stills**
Travis Stills Attorney at Law
Energy & Conservation Law
1911 Main Avenue
Suite 238
Durango, CO 81301
970-375-9231
Fax: 970-382-0316
Email: stills@frontier.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew David Sandler
Rocky Mountain Wild
1536 Wynkoop Street
Suite 900
Denver, CO 80027
303-579-5162
Email: matt@rockymountainwild.org
ATTORNEY TO BE NOTICED

V.

Defendant

United States Forest Service
a federal agency

represented by **Jane Elizabeth Bobet**
U.S. Attorney's Office-Denver
1801 California Street
Suite 1600
Denver, CO 80202
303-454-0185
Email: jane.bobet@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

United States Department of Agriculture
a federal agency

represented by **Jane Elizabeth Bobet**
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 11/29/2018 | <u>1</u> | COMPLAINT against United States Department of Agriculture, United States Forest Service (Filing fee \$ 400,Receipt Number 1082-6417150)Attorney Matthew David Sandler added to party Rocky Mountain Wild, Inc.(pty:pla), filed by Rocky Mountain Wild, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Notice of Related Case, # <u>3</u> Exhibit 1_July 20, 2018 FOIA Request, # <u>4</u> Exhibit 2_August 7, 2018 Letter, # <u>5</u> Exhibit 3_August 16, 2018 Response, # <u>6</u> Exhibit 4_September 5, 2018 Reply Letters, # <u>7</u> Summons Forest Service, # <u>8</u> Summons Dept of Agriculture, # <u>9</u> Summons US Attorney, # <u>10</u> Summons US Attorney General)(Sandler, Matthew) (Entered: 11/29/2018) |

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| | | 11/29/2018) |
| 11/29/2018 | <u>2</u> | Case assigned to Magistrate Judge Michael E. Hegarty. Text Only Entry (dbera,) (Entered: 11/30/2018) |
| 11/30/2018 | <u>3</u> | SUMMONS issued by Clerk. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Magistrate Judge Consent Form) (dbera,) (Entered: 11/30/2018) |
| 11/30/2018 | <u>4</u> | MINUTE ORDER SETTING SCHEDULING CONFERENCE by Magistrate Judge Michael E. Hegarty on 11/30/2018. Scheduling Conference set for 1/31/2019 10:30 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (mdave,) (Entered: 11/30/2018) |
| 12/26/2018 | <u>5</u> | NOTICE of Entry of Appearance by Jane Elizabeth Bobet on behalf of United States Department of Agriculture, United States Forest ServiceAttorney Jane Elizabeth Bobet added to party United States Department of Agriculture(pty:dft), Attorney Jane Elizabeth Bobet added to party United States Forest Service(pty:dft) (Bobet, Jane) (Entered: 12/26/2018) |
| 12/26/2018 | <u>6</u> | First MOTION for Extension of Time to File Answer or Otherwise Respond by Defendants United States Department of Agriculture, United States Forest Service. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Bobet, Jane) (Entered: 12/26/2018) |
| 12/27/2018 | <u>7</u> | MINUTE ORDER granting <u>6</u> Defendants Motion for Extension of Time Due to Lapse inCongressional Appropriations by Magistrate Judge Michael E. Hegarty on 12/27/2018. United States Department of Agriculture answer due 1/17/2019; United States Forest Service answer due 1/17/2019. (mdave,) (Entered: 12/27/2018) |
| 01/14/2019 | <u>8</u> | MOTION for Extension of Time to <i>Vacate and Reset Scheduling Conference</i> by Defendants United States Department of Agriculture, United States Forest Service. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Bobet, Jane) (Entered: 01/14/2019) |
| 01/14/2019 | <u>9</u> | MINUTE ORDER by Magistrate Judge Michael E. Hegarty on 1/14/2019 granting <u>8</u> Motion for Extension of Time and to Vacate and Reset Scheduling Conference Due to Lapse in Appropriations. United States Department of Agriculture answer due 1/31/2019; United States Forest Service answer due 1/31/2019. Scheduling Conference is VACATED and RESET to 2/21/2019 10:00 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (tsher,) (Entered: 01/14/2019) |
| 01/28/2019 | <u>10</u> | MOTION for Extension of Time to File Answer or Otherwise Respond by Defendants United States Department of Agriculture, United States Forest Service. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Bobet, Jane) (Entered: 01/28/2019) |
| 01/29/2019 | <u>11</u> | MINUTE ORDER granting <u>10</u> Motion for Extension of Time by Magistrate Judge Michael E. Hegarty on 1/29/2019. United States Department of Agriculture answer due 2/14/2019; United States Forest Service answer due 2/14/2019. (mdave,) (Entered: 01/29/2019) |
| 02/06/2019 | <u>12</u> | MOTION to Vacate <i>Scheduling Conference and Related Deadlines</i> by Defendants United States Department of Agriculture, United States Forest Service. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Bobet, Jane) (Entered: 02/06/2019) |
| 02/06/2019 | <u>13</u> | MINUTE ORDER by Magistrate Judge Michael E. Hegarty on 2/6/2019. Consent Form due by 2/11/2019. (tsher,) (Entered: 02/06/2019) |
| 02/08/2019 | <u>14</u> | CONSENT to Jurisdiction of Magistrate Judge by Plaintiff Rocky Mountain Wild, Inc. All parties consent.. (Sandler, Matthew) (Entered: 02/08/2019) |
| 02/11/2019 | <u>15</u> | BRIEF in Opposition to <u>12</u> MOTION to Vacate <i>Scheduling Conference and Related Deadlines</i> filed by Plaintiff Rocky Mountain Wild, Inc.. (Sandler, Matthew) (Entered: 02/11/2019) |
| 02/12/2019 | <u>16</u> | REPLY to Response to <u>12</u> MOTION to Vacate <i>Scheduling Conference and Related Deadlines</i> filed by Defendants United States Department of Agriculture, United States Forest Service. (Bobet, Jane) (Entered: 02/12/2019) |
| 02/12/2019 | 17 | ORDER OF REFERENCE Upon Consent to Jurisdiction of Magistrate Judge: Pursuant to the parties' consent <u>14</u> and 28 USC 636(c), this case is referred to Magistrate Judge Hegarty to fully preside over for all purposes. By Chief Judge |

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| | | Marcia S. Krieger on 2/12/19. Text Only Entry (msklc2,) (Entered: 02/12/2019) |
| 02/12/2019 | <u>18</u> | MINUTE ORDER granting <u>12</u> Motion to Vacate by Magistrate Judge Michael E. Hegarty on 2/12/2019. Scheduling Conference is converted to a Status Conference and is set for 2/21/2019 10:00 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (tshe,) (Entered: 02/12/2019) |
| 02/14/2019 | <u>19</u> | Partial MOTION to Dismiss by Defendants United States Department of Agriculture, United States Forest Service. (Bobet, Jane) (Entered: 02/14/2019) |
| 02/21/2019 | <u>20</u> | COURTROOM MINUTES/MINUTE ENTRY for proceedings held before Magistrate Judge Michael E. Hegarty. Status Conference held on 2/21/2019. Defendants shall produce the first of the rolling production of documents on or before 3/7/2019. Plaintiffs response to the <u>19</u> Partial Motion to Dismiss by Defendants is due on or before 3/22/2019. Status Conference set for 3/22/2019 10:00 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. FTR: Courtroom A501. (mdave,) (Entered: 02/21/2019) |
| 03/14/2019 | <u>21</u> | MINUTE ORDER by Magistrate Judge Michael E. Hegarty on 3/14/2019. Status Conference set for 3/22/2019 will commence at 09:45 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (tshe,) (Entered: 03/14/2019) |
| 03/21/2019 | <u>22</u> | Partial MOTION to Dismiss <i>Without Prejudice Claims Two and Three</i> by Plaintiff Rocky Mountain Wild, Inc.. (Attachments: # <u>1</u> Exhibit March 6 Letter)(Sandler, Matthew) (Entered: 03/21/2019) |
| 03/22/2019 | <u>23</u> | ORDER denying as moot <u>19</u> Defendants' Partial Motion to Dismiss; and granting <u>22</u> Plaintiff's Motion to Voluntarily Dismiss Without Prejudice Claims Two and Three by Magistrate Judge Michael E. Hegarty on 03/22/2019. Pursuant to Fed. R. Civ. P. 41(a)(2), claims two and three are dismissed without prejudice. (mdave,) (Entered: 03/22/2019) |
| 03/22/2019 | <u>24</u> | COURTROOM MINUTES/MINUTE ENTRY for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 3/22/2019. Status Conference set for 4/23/2019 01:15 PM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. FTR: Courtroom A501. (mdave,) (Entered: 03/22/2019) |
| 04/02/2019 | <u>25</u> | Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>1</u> Complaint,, by Defendants United States Department of Agriculture, United States Forest Service. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Bobet, Jane) (Entered: 04/02/2019) |
| 04/03/2019 | <u>26</u> | MINUTE ORDER granting <u>25</u> Motion for Extension of Time to Answer or Otherwise Respond by Magistrate Judge Michael E. Hegarty on 4/3/2019. United States Department of Agriculture answer due 4/15/2019; United States Forest Service answer due 4/15/2019. (tshe,) (Entered: 04/03/2019) |
| 04/15/2019 | <u>27</u> | ANSWER to <u>1</u> Complaint,, by United States Department of Agriculture, United States Forest Service.(Bobet, Jane) (Entered: 04/15/2019) |
| 04/18/2019 | <u>28</u> | MINUTE ORDER by Magistrate Judge Michael E. Hegarty on 4/18/2019. Status Conference set for 4/23/2019 will commence at 01:45 PM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (tshe,) (Entered: 04/18/2019) |
| 04/23/2019 | <u>29</u> | COURTROOM MINUTES/MINUTE ENTRY for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 4/23/2019. ORDERED: Defendants shall produce 3,000 documents per week from this point forward. Status Conference set for 5/23/2019 10:30 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. Mr. Stills may appear by telephone. Amended per <u>32</u> Minute Order FTR: Courtroom A501. (mdave,) Modified on 5/6/2019 to amend (mdave,). (Entered: 04/23/2019) |
| 04/29/2019 | <u>30</u> | TRANSCRIPT of TRANSCRIPT OF PROCEEDINGS held on 04/23/2019 before Magistrate Judge Hegarty. Pages: 1–20. Prepared by: AB Court Reporting & Video, Inc.. NOTICE – REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic |

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| | | <p>transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov.</p> <p>Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (AB Court Reporting & Video, Inc.,) (Entered: 04/29/2019)</p> |
| 05/01/2019 | <u>31</u> | <p>MOTION to Amend/Correct/Modify <u>29</u> Status Conference,, Set/Reset Deadlines/Hearings, <i>Minute Order dated April 23, 2019</i> by Defendants United States Department of Agriculture, United States Forest Service. (Attachments: # <u>1</u> Exhibit Transcript of April 23, 2019 Status Conference, # <u>2</u> Proposed Order (PDF Only))(Bobet, Jane) (Entered: 05/01/2019)</p> |
| 05/06/2019 | <u>32</u> | <p>MINUTE ORDER granting <u>31</u> Motion to Amend Minute Order Dated April 23, 2019 by Magistrate Judge Michael E. Hegarty on 05/06/2019. The Courtroom Minutes/Minute Order at ECF No. 29 is amended as follows: "Defendants shall produce 3,000 documents per week from this point forward" is amended to read "Defendant shall produce 3,000 pages per week from this point forward." (mdave,) (Entered: 05/06/2019)</p> |
| 05/23/2019 | <u>33</u> | <p>COURTROOM MINUTES/MINUTE ENTRY for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 5/23/2019. FTR: Courtroom A501. (mdave,) (Entered: 05/23/2019)</p> |
| 06/13/2019 | <u>34</u> | <p>MOTION for Order to <i>Direct Plaintiff to Return or Destroy, and Refrain from Using or Further Disseminating, Inadvertently Produced Documents</i> by Defendants United States Department of Agriculture, United States Forest Service. (Attachments: # <u>1</u> Declaration of David Condit, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Proposed Order (PDF Only))(Bobet, Jane) (Entered: 06/13/2019)</p> |
| 06/17/2019 | <u>35</u> | <p>MINUTE ORDER by Magistrate Judge Michael E. Hegarty on 6/17/2019. Before the Court is Defendants' Motion for Order Directing Plaintiff to Return or Destroy, and Refrain from Using or Further Disseminating, Inadvertently Produced Documents. ECF No. <u>34</u> . According to the motion, Plaintiff opposes the relief sought in the motion. Therefore, Plaintiff shall file a written response to the motion on or before July 1, 2019. Defendants may file a reply on or before July 8, 2019. (agarc,) (Entered: 06/17/2019)</p> |
| 07/01/2019 | <u>36</u> | <p>RESPONSE to <u>34</u> MOTION for Order to <i>Direct Plaintiff to Return or Destroy, and Refrain from Using or Further Disseminating, Inadvertently Produced Documents</i> filed by Plaintiff Rocky Mountain Wild, Inc.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit)(Stills, Travis) (Entered: 07/01/2019)</p> |
| 07/02/2019 | <u>37</u> | <p>Unopposed MOTION for Leave to File Excess Pages by Plaintiff Rocky Mountain Wild, Inc.. (Stills, Travis) (Entered: 07/02/2019)</p> |
| 07/03/2019 | <u>38</u> | <p>MINUTE ORDER granting <u>37</u> Plaintiff's Unopposed Motion Requesting Additional Pages by Magistrate Judge Michael E. Hegarty on 07/03/2019. The Court accepts Plaintiffs response to Defendants' Expedited Motion for Order Directing Plaintiff to Return or Destroy, and Refrain from Using or Further Disseminating Inadvertently Produced Documents as filed. The page limit for Defendants'reply brief is correspondingly expanded to nineteen pages.(mdave,) (Entered: 07/03/2019)</p> |
| 07/08/2019 | <u>39</u> | <p>TRANSCRIPT of TRANSCRIPT OF PROCEEDINGS held on 03/22/2019 before Magistrate Judge Hegarty. Pages: 1–12. Prepared by: AB Court Reporting & Video, Inc..</p> <p>NOTICE – REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov.</p> <p>Transcript may only be viewed at the court public terminal or purchased through the</p> |

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| | | Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (AB Court Reporting & Video, Inc.,) (Entered: 07/08/2019) |
| 07/08/2019 | <u>40</u> | REPLY to Response to <u>34</u> MOTION for Order to <i>Direct Plaintiff to Return or Destroy, and Refrain from Using or Further Disseminating, Inadvertently Produced Documents</i> filed by Defendants United States Department of Agriculture, United States Forest Service. (Attachments: # <u>1</u> Exhibit D)(Bobet, Jane) (Entered: 07/08/2019) |
| 07/12/2019 | <u>41</u> | ORDER granting <u>34</u> Defendant's Expedited Motion for Order Directing Plaintiff to Return or Destroy, and Refrain from Using or Further Disseminating, Inadvertently Produced Documents by Magistrate Judge Michael E. Hegarty on 07/12/2019.(mdave,) (Entered: 07/12/2019) |